

**TOWN OF SCITUATE
ANNUAL TOWN MEETING
APRIL 14, 2016
WARRANT**

COMMONWEALTH OF MASSACHUSETTS, PLYMOUTH SS

To either of the constables of the Town of Scituate, in said County

GREETINGS: In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town qualified to vote in Elections and Town Affairs therein, to meet at the Scituate High School Gymnasium, 606 Chief Justice Cushing Highway on

THURSDAY THE FOURTEENTH DAY OF APRIL 2016 NEXT

At seven o'clock in the evening, then and there to act on the following articles:

ARTICLE 1. Compensation of Elected Officials

To see if the Town will vote to establish the salaries and compensation of all elected Town officials as follows for a sum totaling \$ 75,992.00, or a greater or lesser sum, or take any other action relative thereto:

SELECTMEN:	Chairman & Legitimate Expenses	\$ 1,500.00
SELECTMEN:	Members & Legitimate Expenses	\$ 2,000.00
	(4 @ \$500)	
ASSESSORS:	Chairman & Legitimate Expenses	\$ 1,200.00
ASSESSORS:	Members & Legitimate Expenses	\$ 800.00
	(2 @ \$400)	
TOWN CLERK:	Personal Services	\$70,492.00

Sponsored by: Board of Selectmen

ARTICLE 2. Reauthorization of Revolving Funds

To see if the Town will vote to reauthorize the following revolving accounts pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, which shall be kept separate and apart from other monies by the Treasurer, and in which shall be deposited receipts received that may be spent only from those sources identified below under "Source of Funds" without further appropriation during Fiscal Year 2017 and as identified below under "Use of Funds," and shall be expended under the direction of those so indicated. Said annual amount expended from each revolving account shall not exceed the amount indicated below under "Annual Expenditure."

Source of Funds	Use of Funds	Expended Under Direction of:	Annual Expenditure
Senior Center Programming Fees	Senior programs and trips	Director, COA	\$ 35,000
Planning Board Application Fees	Postage, advertising and other administrative expenses	Planning Director	\$ 50,000
Food Establishment Inspection Fees	Inspection of food establishments	Director of the Board of Health	\$ 30,000
School Bus Transportation Fees	Transportation of Students	School Superintendent	\$ 300,000
Beach Sticker Fees	Beach operations maintenance & capital	Co-Rec Directors	\$ 265,000
Flu Clinic Fees	Flu Vaccine	Town Nurse	\$ 5,000
Wind Turbine Revenues	Subsidizing of Town electricity costs	Special Projects Coordinator	\$ 425,000
Maintenance of Private Ways	Private Way Maintenance	Highway/Grounds Superintendent	\$ 15,000
Solar Array Revenues	Subsidizing of Town electricity costs	Town Administrator	\$ 450,000
Rental Income Community Center	Operation and maintenance of Community Center	Director of Facilities	\$ 10,000

or take any other action relative thereto.

Sponsored by: Board of Selectmen

ARTICLE 3. Establishment of Revolving Funds

To see if the Town will vote to authorize the establishment of a Greater Attleboro Regional Transit Authority (GATRA) Revolving Fund pursuant to Massachusetts General Laws Chapter 44, Section 53E ½, and a Cable Access Revolving Fund, pursuant to Massachusetts General Laws Chapter 44, Section 53F ¾, which shall be kept separate and apart from other monies by the Treasurer, and in which shall be deposited receipts received that may be spent only from those sources identified below under “Source of Funds” without further appropriation during Fiscal Year 2017 and as identified below under “Use of Funds,” and shall be expended under the

direction of those so indicated. Said annual amount expended from each revolving account shall not exceed the amount indicated below under "FY 17 Limit."

Source of Funds	Use of Funds	Expended under Direction of:	FY 17 Limit
GATRA	Transportation of elderly & disabled	Director, COA	\$61,000
PEG Access Account	Cable Studio operations	Town Administrator	N/A

Sponsored by: Board of Selectmen

ARTICLE 4. Capital Improvement Plan

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds in the Treasury, the following sums of money totaling \$3,924,350.00 or any greater or lesser sums as may be necessary, for the purpose of funding the costs of the Fiscal Year 2017 Capital Improvement Plan submitted in accordance with Section 6-6 of the Scituate Town Charter and outlined as follows, or take any other action relative thereto:

Item	Department	Amount
A. Replace dump truck #1-5 6-wheel	DPW-Highway	\$160,000
B. Replace depreciated hardware	Information Technology	\$141,100
C. Public Safety Complex monopole & dispatch console system	Police/Fire	\$250,000
D. Road & Sidewalk Improvements	DPW-Highway	\$158,000
E. Foreshore Protection	DPW-Engineering	\$200,000
F. Repair Flat Roofs Hatherly Cushing Schools	School	\$280,000
G. Culvert Improvements-Design & Engineering	DPW-Engineering	\$ 50,000
H. School Technology	School	\$100,000
I. Replace 2007 ambulance	Fire	\$295,000
J. Replace Turnout Gear (Phase 2/2)	Fire	\$ 70,000
K. Transfer to Capital Stabilization	Future Debt	\$ 63,776
L. Transfer to Capital Stabilization DPW Loader	Highway	\$ 50,000
M. Purchase of (6) Club 420 Boats	Recreation	\$ 45,474
N. Replace 1981 security patrol vessel	Waterways	\$150,000
O. Well #19 Environmental Review	Water	\$ 58,000
P. Emergency Generator at Well #18	Water	\$ 85,000
Q. Repair Maple Street Standpipe	Water	\$710,000
R. Upgrade Well #17A	Water	\$100,000
S. Expanding Water Plant Filter Design	Water	\$ 80,000
T. SCADA at wells	Water	\$ 88,000
U. Finish Water Pumps & VFD Drives	Water	\$135,000
V. Fire Detection/Security @ WTP	Water	\$ 30,000
W. Replace 2007 Chevy 2500 Pick-up #35	Water	\$ 60,000

141	510	Personal Services	\$	195,469	\$	197,803	\$	197,803	
	520	Purchase of Services	\$	6,880	\$	6,055	\$	6,055	
	540	Materials & Supplies	\$	500	\$	500	\$	500	
			\$	202,849	\$	204,358	\$	204,358	0.28%
		Treasurer/Collector							
145	510	Personal Services	\$	263,222	\$	269,303	\$	269,303	
	520	Purchase of Services	\$	73,300	\$	88,950	\$	88,950	
	540	Materials & Supplies	\$	1,575	\$	1,500	\$	1,500	
			\$	338,097	\$	359,753	\$	359,753	0.49%
149		Administration							
	510	Personal Services	\$	32,673	\$	35,513	\$	35,513	
	520	Purchase of Services	\$	85,000	\$	76,000	\$	76,000	
	540	Materials & Supplies	\$	4,200	\$	4,200	\$	4,200	
			\$	121,873	\$	115,713	\$	115,713	0.16%
155		Information Technology							
	510	Personal Services	\$	93,853	\$	150,704	\$	150,704	
	520	Purchase of Services	\$	152,145	\$	165,929	\$	165,929	
	540	Materials & Supplies	\$	500	\$	400	\$	400	
	580	Capital Outlay	\$	14,000	\$	36,000	\$	36,000	
			\$	260,498	\$	353,033	\$	353,033	0.48%
		Tax Foreclosures							
158	521	Tax Foreclosures	\$	39,000	\$	39,000	\$	39,000	
			\$	39,000	\$	39,000	\$	39,000	0.05%
159		Cable TV							
	510	Personal Services	\$	90,530	\$	88,804	\$	88,804	
	520	Purchase of Services	\$	5,000	\$	4,500	\$	4,500	
	540	Materials & Supplies	\$	3,150	\$	3,150	\$	3,150	
	580	Capital Outlay	\$	17,000	\$	31,400	\$	31,400	
			\$	115,680	\$	127,854	\$	127,854	0.18%
161		Town Clerk							
	510	Personal Services	\$	154,834	\$	169,659	\$	169,659	
	520	Purchase of Services	\$	34,090	\$	34,460	\$	34,460	
	540	Materials & Supplies	\$	3,925	\$	3,975	\$	3,975	
			\$	192,849	\$	208,094	\$	208,094	0.29%
171		Conservation							
	510	Personal Services	\$	117,071	\$	162,068	\$	162,068	
	520	Purchase of Services	\$	10,800	\$	8,750	\$	8,750	
	540	Materials & Supplies	\$	850	\$	1,300	\$	1,300	
			\$	128,721	\$	172,118	\$	172,118	0.24%
175		Planning Board							
	510	Personal Services	\$	163,475	\$	129,342	\$	129,342	
	520	Purchase of Services	\$	9,010	\$	10,445	\$	10,445	
	540	Materials & Supplies	\$	700	\$	700	\$	700	

		\$	173,185	\$	140,487	\$	140,487	0.19%
176	Zoning Board of Appeals							
510	Personal Services	\$	20,464	\$	21,262	\$	21,262	
520	Purchase of Services	\$	1,475	\$	700	\$	700	
540	Materials & Supplies	\$	400	\$	400	\$	400	
		\$	22,339	\$	22,362	\$	22,362	0.03%
182	Board of Selectmen/ Economic Dev							
520	Purchase of Services	\$	83,500	\$	83,500	\$	83,500	
570	Transfers	\$	10,000	\$	10,000	\$	10,000	
		\$	93,500	\$	93,500	\$	93,500	0.13%
192	Property/Liability Insurance							
570	Expenses	\$	489,500	\$	538,450	\$	538,450	0.74%
	Total General Government	\$	3,350,995	\$	3,466,921	\$	3,466,921	4.76%
210	Police							
510	Personal Services	\$	3,468,673	\$	3,494,659	\$	3,494,659	
520	Purchase of Services	\$	148,730	\$	109,160	\$	109,160	
540	Materials & Supplies	\$	144,225	\$	73,864	\$	73,864	
580	Capital Outlay	\$	141,500	\$	143,000	\$	143,000	
		\$	3,903,128	\$	3,820,683	\$	3,820,683	5.25%
220	Fire							
510	Personal Services	\$	4,277,372	\$	4,633,185	\$	4,633,185	
520	Purchase of Services	\$	87,025	\$	86,250	\$	86,250	
540	Materials & Supplies	\$	218,775	\$	161,675	\$	161,675	
580	Capital Outlay	\$	-	\$	-	\$	-	
		\$	4,583,172	\$	4,881,110	\$	4,881,110	6.70%
241	Inspections							
510	Personal Services	\$	290,291	\$	308,130	\$	308,130	
520	Purchase of Services	\$	12,790	\$	3,050	\$	3,050	
540	Materials & Supplies	\$	2,850	\$	1,250	\$	1,250	
		\$	305,931	\$	312,430	\$	312,430	0.43%
295	Shellfish							
510	Personal Services	\$	10,621	\$	8,000	\$	8,000	
520	Purchase of Services	\$	650	\$	575	\$	575	
540	Materials & Supplies	\$	400	\$	100	\$	100	
580	Capital Outlay	\$	200	\$	-	\$	-	
		\$	11,871	\$	8,675	\$	8,675	0.01%
	Total Public Safety	\$	8,804,102	\$	9,022,898	\$	9,022,898	12.39%

300	School Committee					
505	School Expenses	\$ 34,303,852	\$ 34,961,956	\$ 34,961,956	48.02%	
310	South Shore Regional School					
560	Intergovernmental	\$ 565,989	\$ 706,301	\$ 706,301	0.97%	
	Total Schools	\$ 34,869,841	\$ 35,668,257	\$ 35,668,257	48.99%	
	Public Works					
400	510 Personal Services	\$ 1,465,995	\$ 1,490,182	\$ 1,490,182		
	520 Purchase of Services	\$ 456,325	\$ 453,240	\$ 453,240		
	540 Materials & Supplies	\$ 281,725	\$ 199,100	\$ 199,100		
	580 Capital Outlay	\$ 416,400	\$ 421,100	\$ 421,100		
		\$ 2,620,445	\$ 2,563,622	\$ 2,563,622	3.52%	
410	Facilities					
	510 Personal Services	\$ 232,805	\$ 262,040	\$ 262,040		
	520 Purchase of Services	\$ 133,810	\$ 175,161	\$ 175,161		
	540 Materials & Supplies	\$ 15,750	\$ 219,650	\$ 219,650		
	580 Capital Outlay	\$ 163,149	\$ 151,000	\$ 151,000		
		\$ 545,514	\$ 807,851	\$ 807,851	1.11%	
423	Snow & Ice					
	510 Personal Services	\$ 87,109	\$ 88,851	\$ 88,851		
	520 Purchase of Services	\$ 192,001	\$ 192,160	\$ 192,160		
	540 Materials & Supplies	\$ 218,002	\$ 216,102	\$ 216,102		
	580 Capital Outlay	\$ -	\$ -	\$ -		
		\$ 497,112	\$ 497,113	\$ 497,113	0.68%	
424	Street Lights & Beacons					
	520 Purchase of Services	\$ 200,000	\$ 200,000	\$ 200,000	0.27%	
	Total Public Works	\$ 3,863,071	\$ 4,068,586	\$ 4,068,586	5.59%	
510	Board of Health					
	510 Personal Services	\$ 126,927	\$ 168,333	\$ 168,333		
	520 Purchase of Services	\$ 7,530	\$ 9,575	\$ 9,575		
	540 Materials & Supplies	\$ 1,625	\$ 1,685	\$ 1,685		
	580 Capital Outlay	\$ 200	\$ 125	\$ 125		
		\$ 136,282	\$ 179,718	\$ 179,718	0.25%	
541	Council on Aging					
	510 Personal Services	\$ 268,079	\$ 206,229	\$ 206,229		
	520 Purchase of Services	\$ 38,960	\$ 12,880	\$ 12,880		
	540 Materials & Supplies	\$ 6,000	\$ 2,275	\$ 2,275		

580	Capital Outlay	\$ 1,200	\$ 500	\$ 500	
		\$ 314,239	\$ 221,884	\$ 221,884	0.30%
543	Veterans Agent				
510	Personal Services	\$ 75,224	\$ 80,073	\$ 80,073	
520	Purchase of Services	\$ 135,000	\$ 124,345	\$ 124,345	
540	Materials & Supplies	\$ 1,250	\$ 1,250	\$ 1,250	
		\$ 211,474	\$ 205,668	\$ 205,668	0.28%
549	Commission on Disabilities				
520	Purchase of Services	\$ 4,750	\$ 5,000	\$ 5,000	
540	Materials & Supplies	\$ 250	\$ -	\$ -	
		\$ 5,000	\$ 5,000	\$ 5,000	0.01%
Total Health & Human Services		\$ 666,995	\$ 612,270	\$ 612,270	0.84%
610	Library				
510	Personal Services	\$ 769,918	\$ 775,048	\$ 775,048	
520	Purchase of Services	\$ 67,098	\$ 71,220	\$ 71,220	
540	Materials & Supplies	\$ 124,850	\$ 135,450	\$ 135,450	
580	Capital Outlay	\$ 10,600	\$ 5,000	\$ 5,000	
		\$ 972,466	\$ 986,718	\$ 986,718	1.36%
630	Recreation				
510	Personal Services	\$ 133,467	\$ 138,176	\$ 138,176	
520	Purchase of Services	\$ 800	\$ 695	\$ 695	
540	Materials & Supplies	\$ 250	\$ 250	\$ 250	
580	Capital Outlay	\$ 500	\$ -	\$ -	
		\$ 135,017	\$ 139,121	\$ 139,121	0.19%
650	Beautification				
540	Materials & Supplies	\$ 20,000	\$ 20,500	\$ 20,500	
		\$ 20,000	\$ 20,500	\$ 20,500	0.03%
691	Historical Buildings				
520	Purchase of Services	\$ 13,000	\$ 13,744	\$ 13,744	
		\$ 13,000	\$ 13,744	\$ 13,744	0.02%
Total Recreation & Resources		\$ 1,140,483	\$ 1,160,083	\$ 1,160,083	1.59%
720	Debt & Interest				
590	Debt Service	\$ 6,954,468	\$ 7,715,806	\$ 7,715,806	10.60%

		\$ 6,954,468	\$ 7,715,806	\$ 7,715,806	10.60%
910	Non-Contributory Pensions				
512	Other Personal Services	\$ 26,620	\$ 27,040	\$ 27,040	0.04%
911	Plymouth County Retirement				
512	Other Personal Services	\$ 4,424,602	\$ 4,461,124	\$ 4,461,124	6.13%
912	Workers' Compensation				
515	Employee Benefits	\$ 257,000	\$ 200,000	\$ 200,000	0.27%
913	Unemployment Insurance				
515	Employee Benefits	\$ 75,000	\$ 66,000	\$ 66,000	0.09%
914	Contributory Group Insurance				
515	Employee Benefits	\$ 4,975,266	\$ 5,656,298	\$ 5,656,298	7.77%
916	Federal Taxes				
515	Employee Benefits	\$ 652,115	\$ 678,200	\$ 678,200	0.93%
	Total Employee Benefits	\$ 10,410,603	\$ 11,088,662	\$ 11,088,662	15.23%
	Total General Fund	\$ 70,060,558	\$ 72,803,483	\$ 72,803,483	100.00%

ARTICLE 6. Waterways Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury, the sum of \$1,062,949.00, or a greater or lesser sum, for the purpose of funding the Waterways Enterprise Fund for the ensuing fiscal year commencing July 1, 2016, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 7. Golf Course Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of \$1,306,372.00, or a greater or lesser sum, for the purpose of funding the Widow's Walk Golf Course for the ensuing fiscal year commencing July 1, 2016, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 8. Wastewater Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of \$3,778,631.00, or a greater or lesser sum, for the purpose of funding Wastewater Treatment Plant operations and expenses, for the ensuing fiscal year commencing July 1, 2016, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 9. Transfer Station Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of \$1,255,021.00, or a greater or lesser sum, for the purpose of funding the Landfill and Transfer Station operations and expenses for the ensuing fiscal year commencing July 1, 2016, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 10. Water Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury, the sum of \$4,247,046.00, or a greater or lesser sum, for the purpose of funding Water Division operations and expenses for the ensuing fiscal year commencing July 1, 2016, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 11. Stabilization Fund Excess Levy

To see if the Town will vote to raise and appropriate the difference between the levy net and the levy limit to the Stabilization Fund, in accordance with Massachusetts General Laws, Chapter 40, Section 5B, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 12. Community Preservation

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee (the "CPC") on the Fiscal Year 2017 Community Preservation budget and pursuant to Massachusetts General Laws, Chapter 44B (the "Act") to appropriate and/or reserve the sums of money as indicated below (i) to meet the administrative expenses and all other necessary and proper expenses of the CPC for Fiscal Year 2017; (ii) for the acquisition, creation, and preservation of open space; (iii) for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; (iv) for acquisition, preservation, rehabilitation, and restoration of historic resources; and (v) for the creation, acquisition, preservation and support of community housing. Appropriations for the items below are to be expended first from any existing reserves for the purposes of such item, then appropriated from Community Preservation FY 2017 estimated revenues, with any excess to be appropriated from Community Preservation unreserved funds. All such sums appropriated are further to be

expended subject to all of the terms and conditions of the applications regarding such projects filed with the CPC and the votes of the CPC regarding approval of such items.

1. \$182,051 from Community Preservation FY 2017 estimated revenues, to be reserved for the creation and support of Community Housing consistent with the Act;
2. \$182,051 from Community Preservation FY 2017 estimated revenues, to be reserved for acquisition and preservation of Historic Resources consistent with the Act;
3. \$182,051 from Community Preservation FY 2017 estimated revenues, to be reserved for acquisition and preservation of Open Space consistent with the Act;
4. \$ 91,026 from Community Preservation FY 2017 estimated revenues, for Administrative Expense of the Community Preservation Committee;
5. \$389,415 for Open Space – Maxwell Trust 26.7 Acre Land Acquisition;
6. \$ 15,640 for Open Space – Hennessey Trust .92 Acre Land Acquisition;
7. \$160,000 for Historic Resources – Restoration of Lighthouse Lantern Room & Gallery;
8. \$ 10,000 for Historic Resources – Evaluation of Lawson Tower Water Tank for Museum Space;
9. \$108,000 for Historic Resources – Historical Society Archives/Little Red Schoolhouse;
10. \$ 42,820 for Historic Resources – Town Archives Records
11. \$ 5,700 for Historic Resources – Bailey-Ellis House Roof, Drainage & Soffit Completion;
12. \$271,489 for Undesignated Funds – North Scituate Playground Budget Increase;
13. \$231,250 for Undesignated Funds – Cushing Field/High School Girls Field Hockey;
14. \$315,000 for Undesignated Funds – Central Park Cupola Restoration;
15. \$131,000 for Undesignated Funds – Central Park Window Replacement/First Floor;

or take any other action relative thereto.

Sponsored By: Community Preservation Committee

ARTICLE 13. Massachusetts General Laws Chapter 91 Liability

To see if the Town will vote to assume liability in the manner provided by Massachusetts General Laws, Chapter 91, Section 29, as amended, for all damages that may be incurred by work to be performed by the Massachusetts Department of Environmental Protection for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach in accordance with Section 11 of said Chapter 91 and to authorize the Selectmen to execute and deliver a bond on indemnity therefore to the Commonwealth; or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 14. Removal of Deputy Chief of Police from Civil Service

To see if the Town will vote to remove the position of Deputy Chief of Police from Civil Service under Massachusetts General Laws Chapter 31 and revoke its acceptance of Chapter 31 for such position under Article 38 of the warrant for the 1934 Annual Town meeting, or take any action relative thereto

Sponsored By: Board of Selectmen

ARTICLE 15. General Bylaw Amendment: Non-Criminal Disposition

To see if the Town will vote to amend the General Bylaws of the Town, Section 10230, “Criminal and Non-Criminal Disposition of Bylaw Violations” by changing the amount in Section 30350, “Housing Standards” from \$20.00 to “First Offense : \$100.00, Second Offense: \$200, Each Additional Offense: \$300.00”, and the amount in Section 30700, “Wetlands Protection Bylaw” from \$50.00 to “First Offense: \$100.00, Second Offense: \$200.00, Each Additional Offense \$300.00” and by adding a new Section, Section 32050 as follows:

Section 32050	STORMWATER BYLAW (Town Planner and Conservation & Natural Resources Officer)	1st Offense: \$100.00 2 nd Offense \$200.00 3 rd Offense: \$300.00 Subsequent Offense: \$300.00
	SUBDIVISION RULES & REGULATIONS (Town Planner)	\$300.00
	SCENIC ROADS (Town Planner)	\$300.00

or take any other action relative thereto

Sponsored By: Planning Board & Conservation Commission

ARTICLE 16. General Bylaw Amendment: Stormwater Review

To see if the Town will vote to amend the General Bylaws of the Town, Section 32050, Stormwater Bylaw as indicated by the following underlined text or take any other action relative thereto:

1. Authority

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the Regulations of the federal Clean Water Act found at 40 CFR 122.34.

2. Purpose

The purpose of this Bylaw is to reduce flooding, protect water quality, increase groundwater recharge, reduce erosion and sedimentation, promote environmentally sensitive site design

practices such as Low Impact Development that protect vegetation and enhance town character, ensure long-term maintenance of stormwater controls and meet or exceed federal requirements under Phase II of the National Pollutant Discharge Elimination System.

3. Definitions

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge, change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, or structural improvement that helps to reduce the rate or volume of stormwater runoff or improve its water quality.

DEVELOPMENT: Any construction or land disturbance on vacant land that is currently in a natural state and has not been disturbed.

DISTURB: To cause a change in the position, location, or arrangement of soil, sand rock, gravel or similar earth material, remove the vegetative surface cover on all or a portion of a site or make any other change which would alter drainage characteristics as per the definition above.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing a narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation resulting from pre-construction and construction related land disturbance activities.

GRADING: Changing the level or shape of all or a portion of the ground surface of a site.

IMPERVIOUS: Preventing water from infiltrating the underlying soil. Impervious surfaces include paved surfaces (parking lots, sidewalks, driveways,) walkways and patios of a continuous hardened surface, rooftops, swimming pools, patios, and paved, gravel and compacted dirt surfaced roads.

OPERATION AND MAINTENANCE PLAN: A plan that shows or establishes the physical, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed, including during pre- and post-construction activities.

PERMITTING AUTHORITY: For the purposes of this bylaw, the permitting authority shall mean either the Planning Board or Conservation Commission, or the Town Planner or Conservation and Natural Resource Officer.

PRE-CONSTRUCTION: All activity undertaken in preparation for construction.

POST CONSTRUCTION: All activity undertaken after a Certificate of Completion is issued.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or reduce erosion.

STOP WORK ORDER: An order issued by the Permitting Authority or its designee which requires that all construction activity on a site be stopped.

STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Stormwater Management Permit.

STORMWATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage.

SUBDIVISION: As defined in the Subdivision Control Law of Massachusetts, M.G.L. – Chapter 41, Section 81L Definitions.

4. Applicability

A. Regulated Activities. This bylaw shall apply to the following activities:

- ~~1. All development and redevelopment projects that will disturb or alter over 15,000 sq. of land, any development of an undeveloped parcel that will increase stormwater runoff, or a net increase of 25% or more of impervious area even if that alteration is conducted over separate phases and/or by separate owners.~~
- 1. All development and redevelopment projects that will disturb over 15,000 sq. ft. of land in a Residential zoning district; render 25% or more of an undeveloped lot impervious or increase impervious area of a developed lot by 25% or more, even if that disturbance is conducted over separate phases and/or by separate owners.**
2. All development and redevelopment projects that will disturb over 1,000 sq. ft.~~square feet~~ of land on undisturbed or natural slopes greater than ~~25~~**45**%, even if that alteration is conducted over separate phases and/or by separate owners.

3. Construction of a new drainage system or alteration of a drainage system, serving a drainage area of more than 15,000 sq. ft. of land.
4. Any development or redevelopment involving "land uses with higher potential pollutant loads," as defined in the Massachusetts Stormwater ~~Management Standards, Volume 1, Stormwater Policy Handbook~~. Land uses with higher potential pollutant loads include auto salvage yards, auto fueling facilities (gas stations), fleet storage yards, high-intensity commercial parking lots, road salt storage areas, commercial nurseries, outdoor storage and loading areas of hazardous substances, and marinas.

B. Exempt Activities. The following activities shall be exempt from this bylaw:

1. a. Construction on an individual lot within a subdivision that has previously been issued a stormwater permit, so long as the individual lot development conforms to the grading, building envelopes, and drainage patterns described in the subdivision's stormwater permit, or was approved under the Subdivision Rules and Regulations adopted 8/13/10 or later;
 - b. Construction on a lot served by an approved Common Driveway or shown on an approved Site Plan where the proposed stormwater management system and Operation & Maintenance Plan were reviewed by the Town's consulting engineer and approved by the Planning Board, and if applicable, a current Common Driveway Agreement is on file with the Planning Board; or
 - c. Construction on any lot** that has previously been issued a stormwater permit, so long as **that construction substantially** conforms to the grading, **the limit of work, impervious area and drainage** characteristics shown on an approved plan. Any plan changes that would have the effect of altering drainage characteristics must be on file with the Permitting Authority prior to construction commencing. The Permitting Authority may require that the applicant obtain an engineer's certification that drainage characteristics will not be altered by proposed changes to a plan.
2. Landscaping for a single-family home that involves the addition or removal of fewer than 100 cubic yards of soil material or alteration of less than two feet of elevation with maintenance of existing drainage ~~characteristics~~ patterns.
3. Repair and replacement of existing roofs.
4. Construction of walls and fencing that will not alter existing drainage ~~characteristics~~ patterns.
5. Use, maintenance, and improvement of agricultural land.
6. Construction of utilities, other than drainage, that will not alter existing terrain or drainage ~~characteristics~~ patterns, including repairs to existing septic systems when required by the Board of Health.

7. Emergency repairs to any existing stormwater management facility.

8. Routine maintenance and improvement of town-owned public ways not resulting in an increase in impervious area.

5. Administration

A. This bylaw shall be administered by the Planning Board and Conservation Commission. Any activity regulated under this bylaw that is also subject to regulation by the Wetlands Protection Act and/or local Wetlands Bylaw shall also require approval of a Stormwater Permit by the Conservation Commission or its designee. Any activity regulated by this bylaw that is not subject to regulation by the Wetlands Protection Act and/or local Wetlands Bylaw shall require approval by the Planning Board. A project required to undergo stormwater review under the Subdivision Rules and Regulations or as required for a Common Driveway or Site Plan will not require a separate Stormwater Permit from the Planning Board. In practice, the Conservation Commission's jurisdiction will mostly include single family dwellings falling under the jurisdiction of the Wetland Protection Act. All other regulated activities shall require a Stormwater Permit from the Planning Board or its designee. The term Permitting Authority shall be used to refer to the board having jurisdiction over land disturbance or alteration under this bylaw.

~~A. This bylaw shall be administered by the Planning Board.~~

B. The Planning Board may adopt and amend Stormwater Regulations related to the content of permit applications and the performance standards for development activities, as described in Section 65 below. Failure to promulgate such Regulations shall not have the effect of suspending or invalidating this bylaw.

C. The Planning Board or Conservation Commission as applicable, their and its agents, or theirits designee, shall review all applications for a Stormwater Permit, issue a Stormwater Permit, conduct necessary inspections and site investigations, monitor and enforce the conditions of theissue a final permit, and issue a Certificate of Completion, and shall be responsible for monitoring and enforcement of this bylaw.

~~the permit conditions. This may combined with or included in the review of drainage undertaken before approval of a Definitive Plan or Special Permit.~~

~~C.D. The Permitting Authority Planning Board~~ may refer any application for a Stormwater Permit to its consulting engineer for review. ~~It may require the applicant to post a Project Review Fee to cover the cost of this review.~~

~~B. The stormwater permit applications shall be evaluated based on the performance standards of the latest edition of the Massachusetts Stormwater Management Policy (or its successor.) In the event that Scituate should pass more stringent stormwater regulations these shall be the same to which the applications are evaluated.~~

Following receipt of a completed permit application, the Permitting Authority~~Planning Board or its designee~~ shall seek review and comments from the Conservation Commission or Planning Board as applicable, Board of Health, Department of Public

Works, Water Resources Committee for projects within the Water Resource Protection District and other town boards or authorities as appropriate.

~~D.E.~~ ~~The Town Planner or Conservation~~ ~~The Planning Board or its designee shall not issue the Stormwater Permit until it has received comments from those boards and~~ Natural Resources Officer may issue a Stormwater Permit for projects which do not disturb an area greater than 40,000 sq. ft., or greater than 1,000 sq. ft. with a slope of 25% or greater. This shall be considered an Administrative Stormwater Project Review and shall be issued according to procedures outlined in the Stormwater Regulations, which shall not require a public hearing ~~authorities to which the application was circulated, or until after 14 days have elapsed since the application was circulated for review, whichever comes first.~~

F. Construction under a Stormwater Permit shall be authorized upon the date of issuance but in no case more than three years from the date of issuance unless this time period is extended by vote of the Planning Board or Conservation Commission.

~~C. 6. The Planning Board may delegate the authority to issue a Stormwater Permit to its agent or to another town board or authority, in general or under specific conditions, if that board or authority has a substantive role in overall review and permitting of the project, and if that board or authority has adopted by reference the performance standards of this bylaw and accompanying regulations, or the Massachusetts Stormwater Standards, whichever is more restrictive, and has responsibility for their enforcement. Any delegation of authority for review, permitting or enforcement shall be stated in the Stormwater Regulations.~~

6. Adoption of Regulations.

A. ~~The~~ Stormwater ~~Planning Board may adopt~~ Regulations shall include separate performance standards for rainwater-produced stormwater and land subject to coastal storm flowage. All regulations shall be adopted pursuant to this bylaw after a public hearing and public comment period, and transmitted to the Planning Board within one week of adoption for inclusion in the bylaw.

B. The public hearing shall be advertised in a newspaper of general local circulation at least seven days prior to ~~before~~ the hearing date.

C. Other boards, commissions, and departments with responsibilities that ~~which~~ include or are related to stormwater management are encouraged to adopt those Regulations by reference.

7. Submittal requirements.

Submittal requirements for ~~subdivisions are defined in the Subdivision Rules and Regulations. Submittal requirements for all other development, and site~~ disturbance and alteration shall include an application form, application fee and plans as listed below, defined in the Stormwater Regulations. ~~These may be consolidated into a single site plan. All plans and certifications shall be prepared by a licensed Professional Engineer.~~

- A. Application Fee. Each application must be accompanied by the appropriate application fee pursuant to the Stormwater Regulations. This fee shall be sufficient to cover any expenses connected with include topographic information; the public hearing, where required, location and area of land proposed to be cleared or disturbed; the location and review of the Stormwater Permit application. The Permitting Authority is authorized to retain a licensed Professional Engineer or other professional consultant to advise area of land proposed to be filled including mounded septic systems; the Permitting Authority on any or all aspects of the Application.
- B. Erosion location, height and Sedimentation Control. All applications must include an Erosion length of any proposed retaining walls; and Sedimentation Control Plan to show proposed methods for properly stabilizing the site before construction begins. This plan shall show the Best Management Practices (BMP's) that natural areas proposed to be permanently protected, including a description of how they will be used during construction to minimize erosion of the soil, sedimentation of stormwater and flow of stormwater onto neighboring properties, roads or drainage systems. These BMPs should include both stabilization practices such as: seeding, mulching, preserving trees and vegetative buffer strips, contouring and structural practices such as: earth dikes, silt socks, silt fences, stabilized construction entrances, drainage swales, sediment traps, check dams, and subsurface or pipe slope drains protected.
- C. Site Plan and Narrative Showing Proposed Stormwater Measures. All applications shall include a Site Plan showing BMP's proposed to manage stormwater after construction. This Plan shall contain sufficient information to evaluate the environmental impact, effectiveness, and acceptability of the measures for reducing adverse impacts from stormwater. All plans shall meet the Performance Standards in the Stormwater Regulations. Any easements or deed- restricted areas shall be clearly shown and identified. With the exception of plans for construction of single- and two-family homes, all plans shall be designed to meet the Massachusetts Stormwater Management Standards and DEP Stormwater Management Handbook Volumes I and II, as revised, where these are otherwise applicable. A brief narrative shall be included describing the BMP's with references to their location and function.
- D. Pre- and Post-Construction Operations and Maintenance Plans. Pre- and Post-Construction Operation and Maintenance Plans (O&M Plans) are required at the time of application for all projects. The required contents of these plans shall be described in the Stormwater Regulations. Pre-Construction O&M Plans shall address maintenance of erosion control and site stabilization measures; operation of equipment during construction and inspections required during construction. Post-Construction Plans shall include methods for maintaining the stormwater management system; protection of vegetation where needed to absorb and take up stormwater; responsibilities of the homeowner and any third parties; and the estimated cost of maintenance. . They shall be designed to ensure compliance with this bylaw and the Massachusetts Surface Water Quality Standards, 314 CMR 4.00 in all seasons and throughout the life of the stormwater system. The Town shall make the final decision on what maintenance is appropriate in a given situation with consideration for natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater

management structures, and the need for ongoing maintenance activities. The O&M Plans shall remain on file with the Planning Board or Conservation Commission as applicable and shall be an ongoing requirement.

8. Performance Standards.

Performance standards for site design, erosion control, stormwater management, operation & maintenance guidelines, materials, vegetation, and other aspects of developments shall be described in the Stormwater Regulations with compliance required to the extent practicable in the opinion of the Permitting Authority. Separate~~outlined in the Rules and Regulations.~~

Performance standards may be adopted for single family homes, and all other types of development. Performance standards shall reflect all requirements for stormwater in the Water Resource Protection District found in the Zoning Bylaw for properties in that district. Separate standards shall be adopted for land subject to coastal storm flowage.

- A. Performance standards will include (but not ~~be~~ limited to) ~~standards for~~ the following standards for rainwater-produced stormwater:

1. Peak Discharge Rates (flooding protection and channel protection)

2. Peak Discharge Volume

3. Retention of First 1" of Stormwater for Development and Redevelopment of One or More Acres. For new development or redevelopment of one or more acres, the first inch of runoff from all impervious surface must be retained on the site, unless pollutant removal of first inch of runoff with BMP (equivalent pollutant removal as with a biofilter) is provided. Shutoff and containment is required in the case of discharge near an environmentally sensitive area, i.e. public water.

~~2.4.~~Recharge Volume

~~3.5.~~Pretreatment and Water Quality

~~4.6.~~Erosion Control

~~5.7.~~Vegetation, Site Design, and Site Restoration

- B. ~~Applicants shall meet these~~ Performance standards shall also be adopted for coastal storm associated floodwater, to avoid channelization or those of the Massachusetts Stormwater Management Policy (and minimize the velocity of flood waters, its successors), whichever is more stringent.

1. Standards for land subject to coastal storm flowage.

Preservation of the abilities of existing topography, slope, surface area, soil characteristics, erodibility, and permeability of land in the flood plain will tend to allow for the dissipation of storm wave energy, slowing of moving water, and absorption of flood waters. Standards for land subject to coastal storm flowage may include limits on creation of new pavement or other impervious surfaces, re shall be no adverse impact from work proposed in Land Subject to Coastal Storm Flowage. Increases in impervious surface, removal of natural vegetation and pervious areas, filling, locating foundations or pavement so as to channelize floodwater, use of solid

foundations and fill so as to deflect, reflect or redirect wave energy or channelize floodwater, or dredging or removal of soil materials within the floodplain so as to allow storm waves to break further inland and impact upland or wetland resource areas.

The Permitting Authority may seek the services of a consultant to assess compliance with the adopted standards for rainwater and coastal storm floodwater.

9. Review Process

- A. Applicants are strongly encouraged to schedule a pre-application meeting with the Town Planner ~~or~~ and Conservation and Natural Resources Officer, as applicable, Agent to review the proposed development plans at the earliest feasible time.
- B. The stormwater permit review shall not require a special public hearing, but stormwater issues may be discussed as part of other Public Hearings required for approval of the same project by the Planning Board or Conservation Commission. ~~on the projects.~~ If no Public Hearing is required, the Planning Board or Conservation Commission ~~its designee~~ may choose to hold a special public hearing to solicit public comment.
- C. After review of the application and comments received from other boards, and following the close of a Public Hearing where this hearing is required, the Permitting Authority ~~Planning Board or its designee~~ shall take one of the following actions:
 1. Approve the application and issue a Stormwater Permit if it finds that the proposed plan meets the objectives and requirements of this bylaw.
 2. Approve the application and issue a Stormwater Permit with conditions, modifications, or restrictions as necessary to ensure protection of water resources or to meet the objectives of this bylaw.
 3. Disapprove the application and deny a permit if it finds the proposed plan will not protect water resources or fails to meet the objectives of this bylaw; or if it finds that the applicant has not submitted information sufficient to make such a determination.
- D. Deadline for Action.
 1. For a Stormwater Permit for a single family home or a residential duplex, the Planning Board or its designee shall file its decision with the Town Clerk and the Building Commissioner within thirty (30) ~~twenty-one (21)~~ days of the receipt of a completed application. For all other development, a decision shall be made prior to approval of a Special Permit or Definitive Plan, if required, or prior to issuance of an Order of Conditions or building permit as applicable. ~~a building permit if a Special Permit or Definitive Plan is not required. Upon certification by the Town Clerk that the allowed time has passed without action by the Planning Board or its designee, the Stormwater Permit shall be issued by the Planning Board.~~
 2. The review period may be extended by mutual consent of the Permitting Authority ~~Planning Board or its designee~~ and the applicant. Failure to extend the review period or take action on the application before the deadline for action shall be deemed to be approval of such application. Upon certification by the Town Clerk

that the allowed time has passed without action the Stormwater Permit shall be issued by the Permitting Authority.

- E. Appeals. Decisions ~~by the Planning Board~~ under this bylaw may be appealed to Superior Court or Land Court ~~in an action filed within 20 days of the date the decision is filed with the Town Clerk.~~

10. Notification, inspections.

Submittal of the stormwater permit application is construed to grant the Permitting Authority, ~~Planning Board,~~ its agent, or its designee with permission to enter the site for inspection.

The Permitting Authority may make unscheduled site visits to insure construction complies with the Operation & Maintenance Plan. If it does not comply, the Permitting Authority shall review whether to pursue remedies for enforcement of the Stormwater Permit as described in Section 12 of this bylaw.

11. Submittal of as-built plans.

~~The Planning Board or its designee may require the~~ submittal of as-built plans depicting the construction conditions of the stormwater management system and grading on the site shall be required. Specifications for these as-built plans are outlined in the Stormwater Regulations ~~accompanying this bylaw.~~

12. Surety

The Permitting Authority ~~Planning Board~~ may require the posting of a surety bond until work is completed and satisfactorily inspected, or to ensure maintenance of the system.

13. Enforcement

The Permitting Authority ~~Planning Board, its agent, or its designee~~ shall enforce this Bylaw, its regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations, including remedies available under non-criminal disposition. Mechanisms and procedures for enforcement ~~may~~ shall be further detailed in Regulations adopted by the Planning Board pursuant to this Bylaw.

A. Orders.

1. The Permitting Authority may issue a written order to enforce the provisions of this Section or the regulations thereunder, which may include:

- a. A requirement to cease and desist the construction activity until there is compliance with the provisions of the Stormwater Permit;
- b. Maintenance, installation or performance of additional erosion and sediment control measures;
- c. Monitoring, analyses, and reporting;
- d. Remediation of erosion and sedimentation resulting directly or indirectly from land-disturbing activity.

2. If the enforcing body determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. This deadline shall be no more than twelve months from the date of the violation.

B. Any person that violates any provision of this Section may be punished, under G.L. c.40 §21D as a noncriminal offense, by fines of:

1. First offense: \$100
2. Second offense: \$200
3. Each additional offense: \$300

Each day on which any violation or offense exists shall be deemed a separate offense. No new permits shall be issued to an applicant if any permit fines are outstanding.

C. Remedies Not Exclusive. The remedies listed in this Section are not exclusive of any other remedies available under any applicable federal, state or local law.

14. Severability

If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

Sponsored by: Planning Board

ARTICLE 17. General Bylaw Amendment – Time of Town Meeting

To see if the Town will vote to amend the General Bylaws of the Town, in Section 20140 by deleting the words “unless the meeting otherwise directed by a two-thirds vote,” in Lines 13 and 14, or take any other action relative thereto.

BY PETITION

ARTICLE 18. General Bylaw Amendment – Community Preservation Committee Term

To see if the Town will vote to amend the General Bylaws of the Town, in Section 20430, by deleting the words “Community Preservation Committee” in line 16, and in Section 20560, by deleting the final sentence of Paragraph A, “All members shall serve for a one year term.” Or take any other action relative thereto.

BY PETITION

And you are further directed to serve this warrant by posting up attested copies thereof, one at each of the Post Offices in said Town and one at the Town Hall, seven days at least before the time of holding said meeting.

Hereof, fail not, and make due return of this warrant with your doings thereon, to the Town Clerk at the time and place of the meeting as aforesaid.

Given under our hands this 22nd day of March, in the year two thousand and sixteen.

Anthony V. Vegnani, Chairman
John F. Danehey, Vice-Chairman
Maura C. Curran, Clerk
Martin J. O'Toole, Member
Shawn Harris, Member

**BOARD OF SELECTMEN
TOWN OF SCITUATE**